

# **ENVIRONMENTAL AND ENERGY DIVISION**

## **NEWSLETTER**

### **21 SEPT. 2015**

#### **This week's edition includes:**

If you need older URLs contact George at ghh@att.net.

Please Note: This newsletter contains articles that offer differing points of view regarding climate change, energy and other environmental issues. Any opinions expressed in this publication are the responses of the unidentified EED Review Committee alone, which represents the positions of the Environmental and Energy Division (EED) and ASME.

This week's edition includes a discussion of a portion of the EED Executive meeting:

#### **A. ENVIRONMENT 1. OBAMA DECLARES WAR ON NATURAL GAS**

**Regulation:** You really have to hand it to the green zealots who populate the Obama White House and the Environmental Protection Agency. Their quest to destroy the fossil fuel industry is relentless and all too effective.

The damage that the Obama administration is willing to do to "decarbonize" the American [economy](#) apparently has no limit.

This latest fossil-fuels assault comes just two weeks after the administration announced new environmental rules that will take a wrecking ball to America's coal industry. Those rules are designed to reduce coal production by about one-third over the next two decades and will destroy hundreds of thousands of jobs and raise the electric utility bills of most American families.

Now we have new regulations from the EPA to restrict leakages from oil and natural gas production.

Well, actually, they call these restrictions on methane — which sounds menacing but is natural gas.

The plan is to reduce these emissions by almost half in a decade. This is draconian and potentially ruinous to the nascent shale oil and gas industry.

The new regulations are wrongheaded not just from an economic standpoint but from an environmental perspective as well. Natural gas is an abundant, made-in-America, cheap and clean-burning fuel.

The U.S. has reduced its carbon emissions, as even President Obama acknowledged earlier this year, more than any other industrial nation in the last five years.

The reason is that the shale oil and gas revolution is making natural gas plentiful and affordable, so we are using more of it.

So if you're a global warming alarmist, you should be celebrating the new age of natural gas, not trying to shut it down.

Natural gas also reduces real pollutants, such as lead, sulphur and carbon monoxide, that really can make people sick from maladies like asthma.

The EPA contends that methane is 28 to 36 times more potent than carbon at trapping heat, which worsens global warming — and that we are spewing more toxic levels into the atmosphere than ever before.

Actually, the governments own statistics reveal that methane emissions are down about 10% from 2005-12 even as natural gas production has risen by nearly one-third.

In other words, it's getting cleaner without any intrusive interventions from the EPA's green crusaders.

The amount of leakage into the atmosphere from fracking operations is minuscule, says Dan Kish of the Institute for Energy [Research](#). "Cows emit more methane when they pass gas than the natural gas industry," he notes.

The new rules are doubly moronic because EPA chief Gina McCarthy has said that the U.S. will have to rely more on "cleaner-burning energy sources like natural gas" for electric power production in order to comply with the anti-coal initiative.

So one day the EPA praises natural gas and the next the agency wants to strangle it.

Why?

The only plausible answer is that cheap shale oil and gas are killing the renewable energy industry, in which Obama's billionaire friends and contributors such as Tom Steyer have invested so heavily. Over the last seven years, the price for natural gas has fallen to \$3-\$4 per thousand cubic feet from \$12. It's bankrupting "renewable energy" companies. Even with billions of dollars of Uncle Sam's subsidies, wind and solar have no hope of competing with low-priced natural gas. It's simple economics. If the goal is for America to use clean energy and do it in a way that's affordable for industry and consumers, then the Obama administration ought to be taking every step possible to facilitate shale gas production.

That these new regulations will achieve exactly the opposite outcome can lead only to the conclusion that the perpetrators of these new rules are evil or stupid or both.

Read More At Investor's Business Daily: <http://news.investors.com/ibd-editorials/081815-767121-white-house-war-against-fossil-fuels-widens.htm#ixzz3jPOLh75m>

Follow us: [@IBDinvestors on Twitter](#) | [InvestorsBusinessDaily on Facebook](#)

<http://news.investors.com/ibd-editorials/081815-767121-white-house-war-against-fossil-fuels-widens.htm?p=full>

Don Shaw

## **2. THE LATEST CLIMATE KERFUFFLEGUEST ESSAY**

By [Patrick Michaels](#)

Are political considerations superseding scientific ones at the National Oceanic and Atmospheric Administration?

When confronted with an obviously broken weather station that was reading way too hot, they replaced the faulty sensor — but refused to adjust the bad readings it had already taken. And when dealing with "the pause" in global surface temperatures that is in its 19th year, the agency threw away satellite-sensed sea-surface temperatures, substituting questionable data that showed no pause.

The latest kerfuffle is local, not global, but happens to involve probably the most politically important weather station in the nation, the one at Washington's Reagan National Airport.

I'll take credit for this one. I casually noticed that the monthly average temperatures at National were departing from their 1981-2010 averages a couple of degrees relative to those at Dulles — in the warm direction.

Temperatures at National are almost always higher than those at Dulles, 19 miles away. That's because of the well-known urban warming effect, as well as an elevation difference of 300 feet. But the weather systems that determine monthly average temperature are, in general, far too large for there to be any significant difference in the *departure from average* at two stations as close together as Reagan and Dulles. Monthly data from recent decades bear this out — until, all at once, in January 2014 and every month thereafter, the departure from average at National was greater than that at Dulles.

The average monthly difference for January 2014 through July 2015 is 2.1 degrees Fahrenheit, which is huge when talking about things like record temperatures. For example, National's all-time record last May was only 0.2 degrees above the previous record.

Earlier this month, I sent my findings to Jason Samenow, a terrific forecaster who runs the *Washington Post's* weather blog, Capital Weather Gang. He and his crew verified what I found and wrote up their version, giving due credit and adding other evidence that something was very wrong at National. And, in remarkably quick action for a government agency, the National Weather Service swapped out the sensor within a week and found that the old one was reading 1.7 degrees too high. Close enough to 2.1, the observed difference.

But the National Weather Service told the Capital Weather Gang that there will be no corrections, despite the fact that the disparity suddenly began 19 months ago and varied little once it began. It said correcting for the error wouldn't be "scientifically defensible." Therefore, people can and will cite the May record as evidence for dreaded global warming with impunity. Only a few weather nerds will know the truth. Over a third of this year's 37 90-degree-plus days, which gives us a remote chance of breaking the all time record, should also be eliminated, putting this summer rightly back into normal territory. It is really politically unwise not to do a simple adjustment on these obviously-too-hot data. With all of the claims that federal science is being biased in service of the president's global-warming agenda, the agency should bend over backwards to expunge erroneous record-high readings.

In July, by contrast, NOAA had no problem adjusting the global temperature history. In that case, the method they used *guaranteed* that a growing warming trend would substitute for "the pause." They reported in *Science* that they had replaced the pause (which shows up in every analysis of satellite and weather balloon data) with a significant warming trend.

Normative science says a trend is "statistically significant" if there's less than a 5 percent probability that it would happen by chance. NOAA claimed significance at the 10 percent level, something no graduate student could ever get away with. There were several other major problems with the paper. As Judy Curry, a noted climate scientist at Georgia Tech, wrote, "Color me 'unconvinced.'"

Unfortunately, following this with the kerfuffle over the Reagan temperature records is only going to "convince" even more people that our government is blowing hot air on global warming.

*Patrick Michaels is director of the Center for the Study of Science at the Cato Institute.*

*Don Shaw*

### **3. OBAMA'S METHANE LIMITS SEEN WIPING OUT THE MARGINAL DRILLER**

"A proposal by the Obama administration to strengthen methane regulations threatens to wipe out marginal drillers already teetering on the edge of closing because of low oil and natural gas prices, according to Oppenheimer & Co."

"The proposed rules from the Environmental Protection Agency target for the first time oil wells, compressors and other equipment as part of a broad effort to reduce leaks of methane, a more intense greenhouse gas than carbon dioxide, by 40 percent to 45 percent by 2025 from 2012 levels."

Natural gas prices are close to the cheapest seasonally in a decade, and crude oil's hovering near a six-year low. Some small, high-cost drillers who can't afford to shoulder more costs will probably have to shut operations, said Oppenheimer analyst Fadel Gheit.

"In a low oil and gas price environment, every penny counts," Gheit said by phone on Tuesday. "For those companies that are very small," the additional regulatory costs will be devastating, he said.

The inefficient producers that were slow to prepare for stricter regulation, even as environmental concern over hydraulic fracturing mounted, will probably fold, Gheit said. "They're killing themselves - it's not like it came from left field," he said.

Green Completions

EPA had already imposed rules that require gas drillers to capture the initial whoosh of methane and other compounds that escape when wells are fracked. Drillers are using so-called green completions in their operations, and bragging about the emission reductions they are getting as a result.

Oil and gas trade groups said Tuesday that the industry has already cut pollution and warned that rules could choke the U.S. energy renaissance.

"The last thing we need is more duplicative and costly regulation that could increase the cost of energy for Americans," Jack Gerard, president of the American Petroleum Institute, said in a statement.

Obama, who pledged to cut U.S. greenhouse gases 26 percent to 28 percent by 2025, has embraced the boom in domestic oil and gas production made possible by fracking and horizontal drilling in shale rock. And the EPA is relying on increased use of natural gas -- a cleaner alternative to coal -- as a key part of its rule to cut carbon emissions from power plants.

### Power Plan

That rule, the Clean Power Plan, was released Aug. 3.

"Cleaner-burning energy sources like natural gas are key compliance options for our Clean Power Plan and we are committed to ensuring safe and responsible production that supports a robust clean energy economy," Gina McCarthy, the head of the EPA, said Tuesday in a statement.

The proposed rule will require oil and gas producers to upgrade their pumps and compressors on new wells, and expand the use of methane-capturing equipment now required for gas wells to oil wells. A separate rule, also proposed Tuesday, would force limits on ozone-forming pollutants from oil and gas wells in areas prone to smog.

By 2025, the rules would achieve the greenhouse-gas cuts equivalent to removing 2 million cars from roads a year. Still, environmental groups had pushed for the EPA to address methane leaks from existing wells and equipment, and for the most part EPA punted on those proposals for now.

"It's high time that the majority of oil and gas companies plug their leaks and stop this needless pollution," said Conrad Schneider, advocacy director for Clean Air Task Force.

### Potent Methane

Methane is 28 to 36 times more potent than carbon at trapping heat, which adds to global warming. While companies have a vested interest in keeping methane bottled up en route to customers, some does leak.

The EPA estimates methane accounted for about 10 percent of total U.S. greenhouse-gas emissions in 2012, with the oil and gas industry responsible for almost a third of the emissions.

The gas industry says the EPA's data shows emissions are down 38 percent since 2005, at the same time that production is up 35 percent. Without the new rules, those emissions are set to rebound in coming years, according to the agency.

The EPA plans to finalize these rules in 2016

Don Shaw

## **4. MORE GREEN ENERGY TAX COLLECTIONS DISAPPEAR. NO SURPRISE HERE**

"Money is trickling in at a slower-than-anticipated rate, and more than half of the \$297 million given to schools so far has gone to consultants and energy auditors."

"Proponents such as de Leon and billionaire investor and philanthropist Tom Steyer, who funded the ballot measure with a personal \$30 million, told voters in 2012 that it would send up to \$550 million annually to the Clean Jobs Energy Fund. But it brought in just \$381 million in 2013, \$279 million in 2014 and \$313 million in 2015."

"SACRAMENTO, Calif. (AP) — Three years after California voters passed a ballot measure to raise taxes on corporations and generate clean energy jobs by funding energy-efficiency projects in schools, barely

one-tenth of the promised jobs have been created, and the state has no comprehensive list to show how much work has been done or how much energy has been saved.

Money is trickling in at a slower-than-anticipated rate, and more than half of the \$297 million given to schools so far has gone to consultants and energy auditors. The board created to oversee the project and submit annual progress reports to the Legislature has never met, according to a review by The Associated Press.

Voters in 2012 approved the Clean Energy Jobs Act by a large margin, closing a tax loophole for multistate corporations. The Legislature decided to send half the money to fund clean energy projects in schools, promising to generate more than 11,000 jobs each year.

Instead, only 1,700 jobs have been created in three years, raising concerns about whether the money is accomplishing what voters were promised.



(AP) In this Friday, Aug. 7, 2015 photo, Christos Chrysiliou, right, director of...

[Full Image](#)

"Accountability boards that are rubber stamps are fairly common, but accountability boards that don't meet at all are a big problem," said Douglas Johnson, a state government expert at Claremont McKenna College in Southern California.

The State Energy Commission, which oversees Proposition 39 spending, could not provide any data about completed projects or calculate energy savings because schools are not required to report the results for up to 15 months after completion, spokeswoman Amber Beck said.

Still, she said she believes the program is on track.

Not enough data has been collected for the nine-member oversight board of professors, engineers and climate experts to meet, she said.

The AP's review of state and local records found that not one project

for which the state allocated \$12.6 million has been completed in the Los Angeles Unified School District, which has nearly 1,000 schools. Two schools were scheduled this summer to receive lighting retrofits and heating and cooling upgrades, but no construction work has been done on either site, LAUSD spokeswoman Barbara Jones said.

The office of Senate President Pro Tem Kevin de Leon, D-Los Angeles, previously estimated LAUSD would save up to \$27 million a year on energy costs; projects proposed by the district so far would save only \$1.4 million.

De Leon, the primary booster of Proposition 39 in the state Legislature, was not available to comment, spokeswoman Claire Conlon said, noting that the program is working as planned.

"We encouraged local districts to allow their funds to build up so they can make bigger, more comprehensive investments," Conlon said.

School district officials around the state say they intend to meet a 2018 deadline to request funds and a 2020 deadline to complete projects. They say the money will go to major, long-needed projects and are unconcerned schools have applied for only half of the \$973 million available so far, or that \$153 million of the \$297 million given to schools has gone for energy planning by consultants and auditors.

"If there's money out there, we're going for it," said Tom Wright, an energy manager for the San Diego Unified School District. Unlike many other districts, SDUSD has received \$9.5 million of its available \$9.7 million.



(AP) In this Friday, Aug. 7, 2015 photo, Christos Chrysiliou, left, director of...

[Full Image](#)



(AP) In this Friday, Aug. 7, 2015 photo, Christos Chrysiliou, left, director of...

[Full Image](#)

Leftover money would return to the general fund for unrestricted projects of lawmakers' choosing.

The proposition is also bringing in millions less each year than initially projected. Proponents such as de Leon and billionaire investor and philanthropist Tom Steyer, who funded the ballot measure with a personal \$30 million, told voters in 2012 that it would send up to \$550 million annually to the Clean Jobs Energy Fund. But it brought in just \$381 million in 2013, \$279 million in 2014 and \$313 million in 2015.

There's no exact way to track how corporations reacted to the tax code change, but it's likely most companies adapted to minimize their tax burdens, nonpartisan legislative analyst Ken Kapphahn said. He also said the change applies to a very small number of

corporations.

Steyer's office declined to make him available for an interview or to comment on the lower revenue figures.

"Proposition 39 has already accomplished its goal of protecting California jobs and employers by closing a corporate tax loophole for companies that ship California jobs to other states," Steyer said in a statement. His team sought to distance Steyer from the measure's implementation, saying the billionaire wanted to respect the process of the Legislature.

It's undeniable that Proposition 39 has created a disappointing number of jobs, said Kirk Clark, vice president of the California Business Roundtable, which opposed the measure but did not aggressively lobby against it.

"We've got a long track record in California of over-promising green jobs and under-delivering," said Clark, who also expressed concern that most of the jobs created so far appear to be consulting positions. Neither the Energy Commission nor Tim Rainey, director of the California Workforce Investment Board, could identify the types of jobs created by Proposition 39 projects. They said that information would be available when the oversight board meets for the first time, likely in October or November.

Clark also noted that nearly half the approved projects have been lighting retrofits, which don't create as many jobs as work-intensive projects such as replacing heating and air conditioning systems. Schools often prioritize lighting projects because they work well with the Energy Commission's formula, which requires schools to save at least \$1.05 on energy costs for every dollar spent. The Energy Commission said its jobs number is based on dollars spent and doesn't take the type of project into account.

Johnson said the slow results show the oversight board should have gotten involved much earlier.

"They should have been overseeing all stages of this project, not just waiting until the money's gone and seeing where it went," Johnson said."

Don Shaw

<http://apnews.myway.com/article/20150817/us-green-energy-promises-9d6a0af60a.html>

## **5..CLEAN POWER PLAN COSTS SOAR, HIT (ALMOST) EVERYONE**

In the previous issue of *Climate Change Weekly*, I examined the impact of President Barack Obama's Clean Power Plan (CPP) on the coal industry. This week I'm broadening the examination. A number of analysts have examined the harmful impact of CPP on the economy; the numbers are eye-opening.

*The Wall Street Journal* calls CPP a “Climate-Change Putsch,” noting EPA is attempting to commandeer states’ long-held right to manage the electric power system within their borders. The *Journal* states,

Rarely do American Presidents display the raw willfulness that President Obama did Monday in rolling out his plan to reorganize the economy in the name of climate change. Without a vote in Congress or even much public debate, Mr. Obama is using his last 18 months to dictate U.S. energy choices for the next 20 or 30 years.

States have regulated their power systems since the early days of electrification, but the EPA is now usurping this role to nationalize power generation and consumption. To meet the EPA’s targets, states must pass new laws or regulations to shift their energy mix from fossil fuels, subsidize alternative energy, improve efficiency, impose a cap-and-trade program, or all of the above.

EPA’s original plan allowed states to make up for the loss of some of their coal-powered electricity by expanding the use of cleaner burning, relatively inexpensive, natural gas. In a shock to almost everyone, the finalized plan locks in natural gas’s share of electricity production at near-present levels – 27 percent (2014) – while renewable energy sources are given a huge boost through mandates and “pollution” credits, from just 7 percent of today’s electricity (not counting hydropower) to 28 percent by 2030. As a result, since renewables are far and away the least reliable, most expensive sources of electric power, every American’s energy bill will increase dramatically.

---

The Institute for Energy Research mocks the president’s claim CPP’s annual compliance cost will be “only” \$8.4 billion by 2030 and will save consumers \$155 billion from 2020 to 2030. As IER notes, “It is difficult to believe that any plan that requires new construction of utility plants, and prematurely retiring existing plants ... could actually save consumers money. In a recent study, IER found that even a new natural gas combined cycle unit on an annual cost of operation basis would be almost twice as expensive as an existing coal-fired unit to operate and that a new wind unit would be two to three times as expensive.”

IER points out the Energy Information Administration has projected CPP will result in \$1.23 trillion in lost GDP (in 2014 dollars) between 2020 and 2030, with an average annual GDP loss of \$112 billion. According to EIA modeling, CPP will cost an average of \$199 in lost economic growth for each ton of carbon dioxide reduced between 2020 and 2030, an amount more than 10 times greater than EPA’s low estimate for the social costs of carbon dioxide, and nearly \$50.00 more per ton than EPA’s high estimate.

Alan Carlin has projected the possible costs of CPP on American ratepayers and the economy by examining the impact of dramatically increasing renewable energy sources’ share of the energy mix, as has already been done in Europe. According to Carlin’s estimates, if CPP is fully implemented, U.S. electricity prices will almost quadruple by 2030. His estimates include the costs of rebuilding the electric grid to handle renewable power’s inherent variability and the costs of keeping traditional power plants on standby. Carlin writes, “So if your electric bill is now \$100 per month, the new CPP requirement would increase your monthly costs to over \$350 by 2030 in current dollars.” He also notes businesses facing higher energy costs will move overseas to countries without mandated carbon dioxide emission reductions; that has happened already in Europe.

And all of this pain to prevent a temperature rise of less than a hundredth of a degree in 2100.

-- H. Sterling Burnett

SOURCES: [Wall Street Journal](#); [The Daily Caller](#); [Carlineconomics.com](#); [Institute for Energy Research](#); and [EPA](#)

<http://news.heartland.org/newspaper-article/2015/08/18/clean-power-plan-costs-soar-hit-almost-everyone>

## **COMMENTS**

### **A. THE WEEK THAT WAS: 2015-09-12 (SEPT. 12, 2015)**

*BY KEN HAAPALA, PRESIDENT, SCIENCE AND ENVIRONMENTAL POLICY PROJECT (SEPP)*

**Model Validation:** The past two TWTWs focused on major issues regarding the EPA's finding that greenhouse gases, carbon dioxide (CO<sub>2</sub>) in particular, endanger human health and welfare, - the Endangerment Finding. These issues included the divergence between atmospheric measurements and surface measurements and the absence of the so-called "hot spot," which the EPA erroneously claimed was the distinct human fingerprint of global warming. This TWTW will address the failure of the UN Intergovernmental Panel for Climate Change (IPCC) to validate a global climate model. Future TWTWs will discuss other major issues such as measurement issues and explanations for so-called "missing heat," which may not be missing at all. All these issues are fundamental to the EPA's endangerment finding.

Probably the most persistent critic of the failure of the IPCC, and its supporters, the Climate Establishment, to validate a global climate model is Vincent Gray of The New Zealand Climate Science Coalition, who has been an expert reviewer of the scientific basis for all five IPCC Assessment Reports, from 1990 to 2013. In the process, he has submitted thousands of comments, and, according to reports, was influential having the IPCC change its terminology about the results of the global climate models, now calling the results "projections" rather "predictions." Gray's latest book and excerpts can be found in the links below.

On his web site, A Different Perspective, Tim Ball summarizes Gray's 2002 book: *The Greenhouse Delusion: A Critique of "Climate Change 2001*. Ball writes:

***"We now know that the 2001 Report included the hockey stick and Phil Jones global temperature record, two items of evidence essential to the claim of human causes of global warming. In the summary of that book he [Gray] notes,***

***\* There are huge uncertainties in the model outputs which are recognized and unmeasured. They are so large that adjustment of model parameters can give model results which fit almost any climate, including one with no warming, and one that cools.***

***\* No model has ever successfully predicted any future climate sequence. Despite this, future "projections" for as far ahead as several hundred years have been presented by the IPCC as plausible future trends, based on largely distorted "storylines", combined with untested models.***

***\* The IPCC have provided a wealth of scientific information on the climate, but have not established a case that increases in carbon dioxide are causing any harmful effects.***

***"On page 58 of the book, he identifies what is one of the most serious limitations of the computer models.***

***"No computer model has ever been validated. An early draft of Climate Change 95 had a Chapter titled "Climate Models - Validation. [A]s a response to my comment that no model has ever been validated, they changed the title to "Climate Model - Evaluation" and changed the word "validation" in the text to "evaluation" no less than describing what might need to be done in order to validate a model. Without a successful validation procedure, no model should be considered to be capable of providing a plausible prediction of future behaviour of the climate."***

In short, the projections (predictions) of climate models are interesting human artifacts, but with no

logical validity. As Ball discusses, such validity will require extensive testing, a task largely ignored. SEPP adds that validation would require extensive testing of the assumptions in the models and what Freeman Dyson calls "fudge factors" (quote of the week). Such criticisms of the IPCC's work were available prior to the EPA's 2009 endangerment finding - a finding which failed to address these deficiencies. See links under Challenging the Orthodoxy.

\*\*\*\*\*

**A Shift in Political Winds?** Writing in the Congressional influential Capitol Hill newspaper, *The Hill*, Representative Lamar Smith from Texas articulates seven reasons why the Administration's interpretation about climate change and its energy plans to address climate change cannot be accepted at face value. He concludes with:

***"The EPA and other government agencies too often fail to present all the facts. Their agenda comes first, accuracy comes second. Climate change has many explanations - and unanswered questions. The American people need good science, not science fiction promoted by alarmists."***

No doubt Representative Smith will become a target for the Administration and its supporters from groups that favor raising the costs of energy in the name of environmentalism. It will be interesting to observe how this opposition takes shape. See link under Challenging the Orthodoxy.

\*\*\*\*\*

**Sink Re-emerges?** After the Fourth IPCC Assessment Report (2007), several researchers claimed that the carbon dioxide absorption of the southern ocean (including the Antarctic Ocean) was declining. However, new research suggests that such a trend stopped around 2002, and the southern sections of all three major oceans (Pacific, Atlantic, and Indian) are absorbing CO<sub>2</sub>, as before, but at different rates. The abstract concludes: "The large decadal variations in the Southern Ocean carbon sink suggest a rather dynamic ocean carbon cycle that varies more in time than previously recognized." In short, do not assume short-term variation is a long-term trend, especially in climate studies. See links under Changing Seas.

\*\*\*\*\*

**AMO:** Along the lines of changing perceived trends, Climate Etc. and WUWT present a discussion on the Atlantic Multidecadal Oscillation (AMO), 60 to 70-year periods of warming and cooling of the sea surface in the Northern Atlantic, for which there is no universally agreed upon single measurement. It may be a bit early to definitively tell, but the AMO may have shifted to a cooling phase. If so, then, as hurricane experts Klotzbach, Gray, and Fogarty state, historic records indicate that, for the near future, Atlantic hurricane frequency and intensity will decline, as compared to the early part of the 21st century. Thus, the administration's claims of severe weather events from carbon dioxide caused-global warming may be hollow for the US Atlantic region. See links under Changing Weather.

\*\*\*\*\*

**Other Weather Events:** The Blob is an area of warmer than usual water, at and near the surface, in the Pacific Ocean off the US Pacific northwest and southwest Canada. No one has been able to identify a cause, or a similar event in the sea records in the same area going back about 100 years. The Blob is causing warming on land near its location and disrupting local and regional weather patterns. As David Whitehouse points out, the Blob can only be identified as an unusual weather pattern, not a climate pattern, unless it persists for a number of years. Meteorologist Cliff Mass of Washington State has an amusing post on an imaginative battle between the Blob and a monster El Niño. A number of groups have predicted such an El Niño, but it has not yet clearly materialized. As in 1998, such an El Niño would cause a warming spike in both surface and atmospheric temperatures; but, not necessarily indicated global warming. See links under Changing Weather.

\*\*\*\*\*

**Capacity:** The US Energy Information Agency released a report on electric generation from various sources (2008-2012 average) for various countries and regions. For the US, nuclear production was 90% of capacity, fossil fuels was 41% of capacity; hydropower was 40%; and solar and wind was 27%. Fossil fuels are often used for standby and shoulder generation as well as baseload. In general, in the US, petroleum is used for back-up. A more detailed analysis shows that solar generates an average of 15% of capacity and wind generates an average of 27% of capacity.

Promoters of wind and solar often omit such details. Yet, wind and solar usually receive first preference for distribution (use). Thus, when a wind promoter states that his project will generate enough electricity for 100 homes, he is actually saying that, on average, his project will generate enough electricity for 100 homes - **27% of the time!** The source and cost of the back-up are immaterial to the promoter. See link under Energy Issues - US.

\*\*\*\*\*

**Number of the Week: 38%.** A recent US Government Accountability Office (GAO) report states: "The thermoelectric power industry, for example, accounted for 38 percent of all freshwater withdrawals in the United States in 2010." The dependence on fresh water for cooling by nuclear, coal, and gas power plants explains why the environmental industry bitterly opposes this use, even though the environmental industry have failed to demonstrate any pollution of the water. Raising the temperature by a minor amount is not pollution in any traditional sense. See link under Energy Issues - US.

\*\*\*\*\*

<http://www.sepp.org/twtwfiles/2015/TWTW%209-12-15.pdf>

## **B THE ARCTIC IRIS EFFECT, DANSGAARD-OESCHGER EVENTS, AND CLIMATE MODEL SHORTCOMINGS. LESSON FROM CLIMATE PAST – PART 1.**

Guest essay by Jim Steele Director emeritus Sierra Nevada Field Campus, San Francisco State University and author of Landscapes & Cycles: An Environmentalist's Journey to Climate Skepticism Dansgaard Oeschger Events and the Arctic Iris Effect During the last Ice Age, Greenland's average temperatures dramatically rose on average every 1500 years by 10°C +/- 5°C...

<http://wattsupwiththat.com/2015/09/01/the-arctic-iris-effect-dansgaard-oeschger-events-and-climate-model-shortcomings-lesson-from-climate-past-part-1/>

## **C. TRILLIONS AND TRILLIONS OF TREES MAKE THAT 'GIANT SUCKING SOUND' OF CO2 FROM THE ATMOSPHERE**

WUWT reader P Wilson writes; There are just over three trillion trees on Earth, according to a new assessment. The figure is eight times as big as the previous best estimate, which counted perhaps 400 billion at most. It has been produced by Thomas Crowther from Yale University, and colleagues, who combined a mass of ground...

<http://wattsupwiththat.com/2015/09/03/trillions-and-trillions-of-trees-make-that-giant-sucking-sound-of-co2-from-the-atmosphere/>

## **D. QUOTE OF THE WEEK: OBAMA'S CLIMATE CLAIM IN ALASKA**

As commenter “Bad Andrew” says: You have got to do a post on this. Meanwhile, other countries laugh: Obama Rebuffed as Superpowers Refuse to Sign Arctic Climate Agreement On Sunday and Monday, foreign ministers and other international leaders met in Anchorage, Alaska to attend the Conference on Global Leadership in the Arctic. As a sign...

<http://wattsupwiththat.com/2015/09/02/quote-of-the-week-obamas-climate-claim-in-alaska/>

## **E. CALIFORNIA’S CLIMATE-CHANGE PUSH HEATS UP**

State Democrats aim for ambitious targets to cut emissions, drawing business groups’ ire

The oil industry is running ads warning Californians that a 50% reduction in petroleum fuel by 2030 will bring rationing, an idea rejected by the proposed policy’s supporters. *Photo: Richard Vogel/Associated*  
By Alejandro Lazo

Updated Sept. 4, 2015 3:11 p.m. ET

SACRAMENTO, Calif.—Democrats in California, which already have the toughest climate-change rules in the U.S., are pushing to strengthen them drastically, an effort that has spurred business groups to mount an intense opposition campaign.

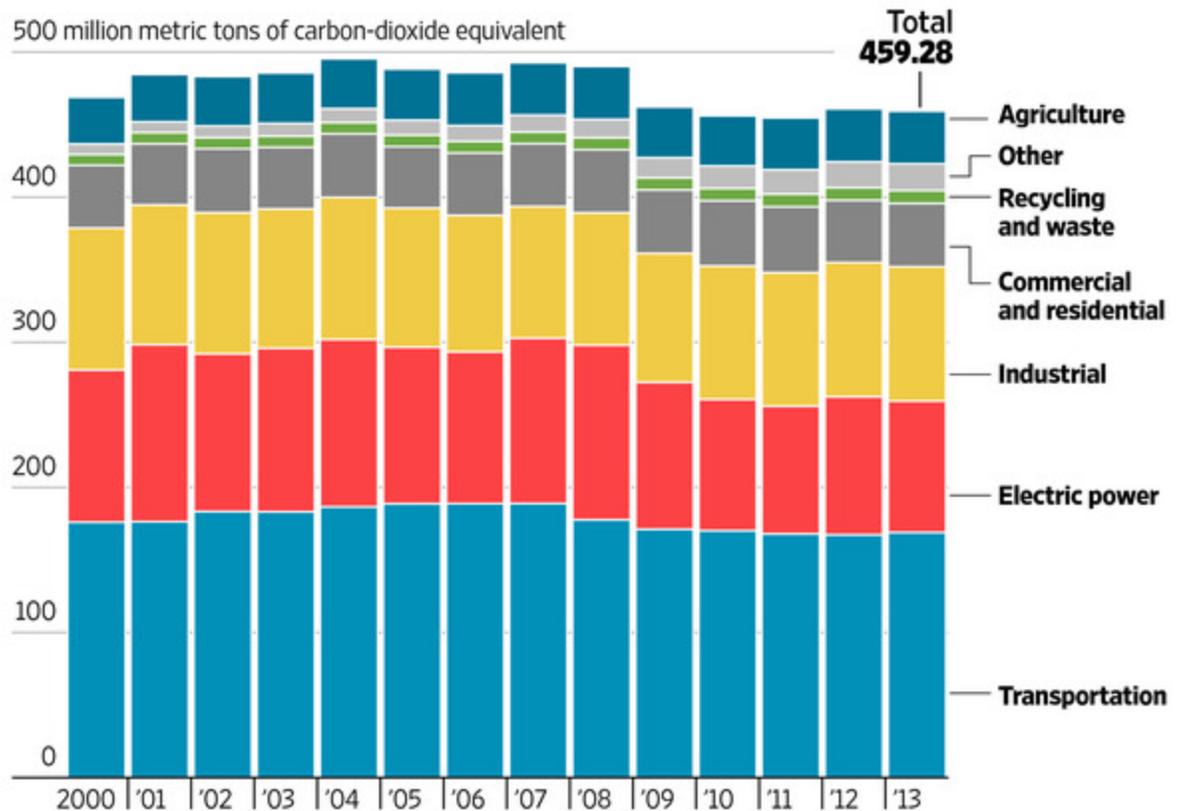
A proposed state law would cut petroleum-fuel use by 50%, require utilities to get half their power from renewable sources, and increase energy efficiency in buildings by 50%—all by 2030, using 2016 levels as the starting point. A second measure would mandate an 80% reduction in state greenhouse-gas emissions by 2050, from 1990 levels.

The bills are backed by Democratic Gov. Jerry Brown and billionaire environmentalist Tom Steyer, [who say that California must begin taking serious steps](#) to curb its use of fossil fuels.

Business organizations and the energy industry say the effort would hurt the state economy and hit residents’ wallets.

## From Farms to Roads

New legislation would aim to sharply reduce petroleum fuels used in transportation, the biggest source of California's greenhouse-gas emissions.



Source: California Air Resources Board

THE WALL STREET JOURNAL.

Both measures have passed the California Senate, though none of the 14 Republicans in the 40-member body voted for them. Bob Huff, the former state Senate minority leader, called reducing greenhouse gases a “noble” goal, but said “those gases don’t end at California’s border.”

The legislation would have to be approved by the California Assembly, where Democrats also dominate—though some have withheld support over concerns about their economic impact, making the bills’ fate in that chamber too close to call, observers say.

While the energy sector doesn’t have a specific figure for how much the proposed policies would cost the state economy, a [June study](#) commissioned by the petroleum industry estimates 184,100

Californians received a total of \$23.3 billion in pay and benefits from the oil and gas industry in 2013.

Both sides of the issue are stepping up their game trying to sway lawmakers’ and voters’ opinions.

An opposition campaign from the oil industry is warning state residents in television, radio and mail advertisements that the mandates would result in fuel rationing and driving restrictions.

“If you can afford a Tesla [electric car], then this message won’t really matter to you,” a woman says in one of the television ads for the group California Drivers Alliance, which is backed by the Western States Petroleum Association.

Gov. Jerry Brown, at Lake Tahoe in August, has said he is working with the bills’ critics but isn’t backing down on addressing climate change. Mr. Brown has raised his rhetoric in response, saying in a news conference on the shores of Lake Tahoe in August that “the oil industry is in deep trouble” because it sells a “product that is highly destructive.” At another event in Oakland last month, the governor said climate change has exacerbated the state’s wildfires and refuted the oil industry’s argument, saying: “This is not about rationing. As a matter of fact, if you’re in the business of selling a product that the

state says we want you to sell half as much, obviously they're going to do everything they can to prevent that."

The governor said he is working with the bills' critics, which include the California Chamber of Commerce. "But I can tell you this: that I have no intention of backing down."

The measures don't lay out specific ways to reach the targets; the details would be left to California's Air Resources Board. The hope is that [setting the goals would spur industry innovations](#), including in zero-emissions vehicles and biofuels.

The Western States Petroleum Association spent \$2.5 million lobbying California lawmakers through the first half of the year on a host of legislation, including the two climate-change bills, lobbying reports show. Tupper Hull, a spokesman for the group, said the petroleum-reduction mandate was "a very poorly conceived and reckless attempt to slash how much fuel is available for Californians to use."

The new legislation would add to California's efforts already in place to fight climate change, which include populating the state's freeways with electric cars and other low-emission vehicles, increasing biofuels in gasoline and building a high-speed train line from Los Angeles to San Francisco.

California produces about 1.5% of the world's greenhouse-gas emissions. But the state has long been a bellwether on environmental regulations, passing landmark laws that are copied by other states and become templates for federal environmental rules.

President [Barack Obama](#) recently cited the state's proposed 50% curb on petroleum use by motor vehicles as an example of how states could act to combat climate change. Among the proposals' biggest backers is Mr. Steyer, a former San Francisco hedge-fund manager who has become one of the Democrats' most generous donors nationally and has begun using his fortune to shape environmental policy in California.

Mr. Steyer spent \$29.6 million to bankroll an initiative in 2012 that uses corporate taxes to fund energy upgrades at schools and other buildings. His NextGen Climate organization has spent close to \$730,000 lobbying California lawmakers on legislation including the two climate-change bills, lobbying records show.

"If we can afford to get our message out, our message wins," said Mr. Steyer, who is also paying to send mailers supporting the two bills into the districts of Assembly Democrats.

Severin Borenstein, a professor at the University of California, Berkeley's Haas School of Business, said he sees reducing petroleum fuel use by 50% in the state as a "long-shot," requiring major advances in biofuels, or a rapid expansion of low-emission vehicles on California's roads. Other experts say the goals are achievable.

"This focus on California reducing our own greenhouse gases, without really thinking hard about how the rest of the world is reducing greenhouse gases, is misguided," Dr. Borenstein said. "I think what we should refocus on is this: helping develop the technologies that China and India, and the rest of the developing world, would actually adopt."

## **F. THE PAUSE LENGTHENS YET AGAIN**

A new record Pause length: no warming for 18 years 8 months By Christopher Monckton of Brenchley One-third of Man's entire influence on climate since the Industrial Revolution has occurred since January 1997. Yet for 224 months since then there has been no global warming at all (Fig. 1). With this month's RSS temperature record,...

<http://wattsupwiththat.com/2015/09/04/the-pause-lengthens-yet-again/>

## **G. OCEAN ACIDIFICATION: TRYING TO GET THE SCIENCE RIGHT**

Guest Essay by Kip Hansen

Preview: In this essay I will discuss the efforts of various scientific bodies and individual scientists to regularize, to bring into line with correct scientific procedures, the budding field of science investigating the effects of increasing atmospheric concentrations of CO2 on the oceans, its chemical make-up including pH, the atmosphere/ocean...

<http://wattsupwiththat.com/2015/09/04/ocean-acidification-trying-to-get-the-science-right/>

## **H. THE PAUSE IS DRIVING DOWN THE LONG-TERM WARMING TREND**

Guest essay by Christopher Monckton of Brenchley The long and model-unpredicted Great Pause of 18 years 8 months in global mean lower-troposphere temperature as recorded in the RSS satellite monthly dataset is inexorably driving down the longer-run warming rate, when the IPCC's predictions would have led us to expect acceleration. The graph shows the...

<http://wattsupwiththat.com/2015/09/08/the-pause-is-driving-down-the-long-term-warming-trend/>

Editor's Note: This is a very good article regarding the strong impact of the 18+ year Pause in global temperature rise

## **I. NOAA: "ABSOLUTE GLOBAL SEA LEVEL RISE IS BELIEVED TO BE 1.7 – 1.8 MILLIMETERS/YEAR"**

Determine the Sea Level in your Area, if you are located near a port.

<http://tidesandcurrents.noaa.gov/sltrends/globalregional.htm>

Judith Curry

## **J. COLORADO COAL MINE AVOIDS CLOSURE OVER ENVIRONMENTAL GROUP'S GREEN GAMBIT**

By [Perry Chiaramonte](#)

Published September 08, 2015

The Colowyo coal mine in northwestern Colorado avoided a shutdown, saving hundreds of jobs and millions of dollars for the local economy.

A Colorado coal mine slated for closure due to a technicality has gotten a reprieve from the federal government in a move that could save hundreds of jobs.

The Colowyo coal mine, which has provided hundreds of jobs and millions of dollars to the economy of the city of Craig and the northwestern region of the state since 1977 was in danger of being closed because a renewal permit drafted eight years ago did not take into account the mine's impact on climate change. An environmental group sued in a bid to invalidate the permit. A court-ordered review by the Department of the Interior and an environmental assessment by the Office of Surface Mining Reclamation and Enforcement (OSM) found there was no significant environmental impact and validated the permit.

"We are grateful to the staff at the Office of Surface Mining and the other cooperating agencies for their diligence and hard work to complete the environmental review within the short timeframe ordered by the judge," Mike McInnes, chief executive officer of Tri-State Generation and Transmission Association, which owns Colowyo Mine, said in a released statement provided to FoxNews.com.

"The unwavering support we have received from our 220 mine employees, the community and elected officials across Colorado helped ensure the Department of the Interior...committed the resources and time necessary to complete this important work," he added.

"People have been putting off big decisions until this was settled. Buying homes as opposed to renting. Car purchases and so on. Now they will be able to move forward with their lives."

- John S. Kinkaid, Moffat County Commissioner

It was a close call for the mine, whose problems began in February 2013 when environmental group WildEarth Guardians filed a lawsuit against OSM, claiming that its original assessment of Colowyo in 2007 did not take climate change into account, and in turn, violated the 2006 National Environmental Policy Act. In May of this year, a federal judge agreed and gave the agency 120 days to redo the review.

"The American public deserves an honest accounting of the environmental impacts of coal mining, including the climate impacts of burning coal, so we can be assured the right decisions are made," WildEarth Guardians spokesman Jeremy Nichols told [FoxNews.com](http://FoxNews.com) at the time. "The Interior Department has 120 days to do this analysis, which they were required to do in the first place under federal law, and there's no reason to believe they will not meet this deadline. It's unfortunate that the Interior Department's mistakes have created this situation, but thankfully, they're rising to the challenge."

Nichols told [FoxNews.com](http://FoxNews.com) that WEG likely will not challenge the decision and praised the federal agencies involved.

"The U.S. Interior Department rose to the challenge here to fix its mistakes and met the court's deadline," he said in a statement. "We're pleased they followed through and gave the American public an honest accounting of the environmental impacts of coal mining, particularly the greenhouse gas emissions associated with burning coal.

"The fight's not over, the Interior Department needs to start to keep our coal in the ground and stop rubber-stamping more mining, but this is an important first step in the right direction," he also said, "but we do intend to continue to push the agency to rein in coal mining and ultimately end the federal coal program."

The legal battle began in 2013, when environmental group WildEarth Guardians filed a lawsuit against the Office of Surface Mining, Reclamation and Enforcement.

Those in the region have maintained that closing Colowyo would have placed economic hardship in northwest Colorado, an area already experiencing trouble.

"We have yet to recover from the great recession," Moffat County Commissioner John Kinkaid told [FoxNews.com](http://FoxNews.com). "The decision means that our economy won't collapse.

"People have been putting off big decisions until this was settled," Kinkaid said. "Buying homes as opposed to renting, car purchases and so on. Now they will be able to move forward with their lives." While Colowyo dodged a bullet, WEG has filed a similar suit against the Trapper Mine.

## **K. UN CLIMATE CHANGE BODY SUFFERS MAMMOTH EUROPEAN CARBON FRAUD**

By [George Russell](#)

Published September 08, 2015

The United Nations body that oversees greenhouse gas reductions is reeling from another cap-and-trade scandal that may have put 600 million tons of carbon emissions into the atmosphere -- roughly speaking, the annual CO2 output of Canada or Britain -- while the emissions were ostensibly suppressed, according to an independent study.

In the process, the fraudsters, largely in Russia and Ukraine, were likely able to transfer credits for more than 400 million tons of their apparently bogus greenhouse savings by April 2015 into Europe's commercial carbon trading system -- the largest in the world -- thereby undermining that continent's ambitious carbon reduction achievements.

Perhaps significantly, the vast bulk of the assumed fraud took place in countries that are -- or were, in the case of Ukraine -- notorious for their kleptocratic leadership under the regimes of Vladimir Putin

and ousted Ukraine President Viktor Yanukovich, who fled his country in 2014. In Russia, much of the contract work for carbon project approval was carried out by state-owned Sberbank, which has been sanctioned by the U.S. and the European Union as part of the Western response to the Ukraine crisis. The bulk of the fraud occurred under the battered Kyoto Protocol for greenhouse gas emissions, but researchers who detailed the scandal warned that without tough international policing and clear definitions of what every country involved in the climate deal aims to achieve, something similar could happen in the global climate change deal that world leaders are expected to endorse in Paris in December and that is intended to start up in 2020.

It remains to be seen whether those safeguards will be in place. Among other things, the emerging deal is based on what the U.N. calls “intended nationally determined contributions,” or INDCs, that leave individual countries wide latitude for “estimating and accounting for anthropogenic greenhouse gas emissions and, as appropriate, removals,” as well as how the countries themselves consider their INDCs to be “fair and ambitious.”

The vast bulk of the assumed fraud took place in countries that are notorious for their kleptocratic leadership.

The Obama administration has vocally proclaimed its support for the impending new climate agreement, and has announced its intention to impose dramatic cuts in U.S. carbon emissions of 26 to 28 percent below 2005 levels by 2025, and make “best efforts” to make the steeper cuts.

[CLICK HERE FOR THE U.S. COMMITMENT](#)

The most recent scandal -- there have been others -- involves the United Nations Convention for Combating Climate Change (UNFCCC), the body that oversees the Kyoto Protocol, as detailed in a 128-page analysis issued by the Stockholm Environment Institute, a widely-respected, Swedish-financed independent think tank whose authors staunchly support the need for a new climate deal.

The authors claim that their study represents a “subjective judgment” of the evidence “based on the limited information publicly available,” but also say that it is “based on a careful analysis applied in a consistent manner across projects.”

[CLICK HERE FOR THE STUDY](#)

Among other things, the document says that:

- Under a complex self-policing scheme known as Joint Implementation Track 1, Russia and Ukraine in particular were able to exploit slack greenhouse gas emission reduction targets to generate huge surpluses of de facto credits, known as emission reduction units, or ERUs, for supposedly “additional” greenhouse gas reductions.
- The supply of ERUs “accelerated strongly” toward the end of 2012, as the first phase of the Kyoto Protocol was slated to expire. In many cases, the ERUs came from projects that had been started up years before any claims were made for the credits -- a strong indicator that something fishy could be going on.
- Some 80 percent of the ERUs came from projects that the researchers delicately said had “questionable or low environmental integrity” -- and where the host countries had the option of, among other things, developing their own methodology for “baseline setting and monitoring” the results.

One huge favorite: projects that claimed to extract coal from mining waste piles, said to prevent additional mining and save energy to boot. The researchers tallied the claims in Ukraine and estimated they came to about one-third of the entire country’s coal production, a highly implausible figure.

- The greenhouse reductions were supposed to be verified by so-called Accredited Independent Entities, or AIEs, who in many cases “did not perform their auditing functions appropriately,” and who may have been in an “inherent conflict of interest” as the project participants selected and paid the AIEs themselves.

- The report notes that “AIEs often failed to identify obvious mistakes, inconsistencies, questionable assumptions or claims, or changes to the project activity or monitoring plan.” The document also noted that verification under Track 1 schemes did not get oversight from UNFCCC’s Joint Implementation Inspection Committee, an important missing ingredient.
- The researchers singled out one AIE in particular, Bureau Veritas Certification Holding SAS, a French-based firm, as vetting 56 percent of all Joint Implementation projects, which generated 78 percent of ERUs. In a random sample of 60 of the JI Track 1 projects, “77 percent of the projects determined by Bureau Veritas made additional claims that were not plausible, and 17 percent had questionable claims.”

Asked by Fox News about the report, a Bureau Veritas spokesperson said only that “Bureau Veritas’ management has made the decision not to comment on this research.”

The Stockholm researchers, who did not respond to questions from Fox News about their effort, claim that their post-mortem could have “important implications” for any future cap-and-trade market mechanism under a new climate treaty -- starting with the fact that countries should not be allowed to set fuzzy targets for their climate efforts that could give them carbon credit windfalls.

(The authors do not say so, but one such fuzzy set of targets has been set by China, which says its aim is “to achieve the peaking of carbon dioxide emissions around 2030 and make best efforts to peak early” and to “lower carbon dioxide emissions per unit of GDP” -- as opposed to cutting emissions in absolute terms -- “by 60 percent to 65 percent from the 2005 level.” In 2013, China’s CO<sub>2</sub>-GDP ratio was nearly double that of the U.S., according to a European government study.)

Another reform that the Stockholm authors consider essential is that sole oversight of any such system by countries hosting carbon reduction projects “is insufficient to ensure environmental integrity.”

But even international oversight, the report warned, “may not eliminate the potential for excess issuance of [carbon] credits,” and there is still the risk that countries could “hamper the strengthening of a crediting mechanism’s integrity.”

On top of all that, the report warns, U.N. deliberations on how to register carbon suppression projects under a new climate agreement still “resemble current Track 1 rules” insofar as countries that host the projects can still conduct the registration.

The UNFCCC can “request a review” of the decision within 30 days, or it is automatically recorded. But draft changes to UNFCCC rule-making, the report observes, do not “specify any followup” if the U.N. body “does not conform to international rules.”

Overall, the authors warn, efforts to reform carbon credit schemes under the UNFCCC “have shown that often no consensus can be reached to address and rectify environmental integrity shortcomings” -- an unsurprising conclusion given the fact that, among other things, the Putin regime is still ascendant in Russia.

All of which, the report concludes, may mean that such “crediting mechanisms” will have a “rather limited” role when any new climate deal goes into effect -- in other words, not an end to fraud on the value of carbon reduction projects, but hopefully less paying for it.

Or, perhaps, just a new incentive to fraudsters to come up with other schemes. In December 2011, a report to the European Commission described another branch of the UNFCCC’s carbon-reduction schemes, known as the Clean Development Mechanism, “as “costly, unpredictable, unreliable, prone to gaming,” and “counterproductive due to perverse incentives.”

Soon thereafter, Europe dropped the worse of the schemes from its trading system, effective at the beginning of 2013 -- or about the time that the latest rush to cash in on Track 1 projects began.

<http://www.foxnews.com/world/2015/09/08/un-climate-change-body-suffers-mammoth-european-carbon-fraud/?intcmp=hplnws>

## **L. SEARCH PAGE FOR REALIST SIDE OF THE CLIMATE CHANGE DEBATE**

Guest essay by Ari Halperin

As WUWT readers have probably noticed, using Google or other general search engines to find reliable information on anything related to climate change has become almost impossible. The search results are dominated by alarmist sites and blogs, while dissenting voices are simply drowned out. The main reason for this imbalance...

<http://wattsupwiththat.com/2015/09/09/exclusive-search-page-for-realist-side-of-the-climate-change-debate-2/>

## **M. ♪ I LEFT MY UHI, IN SANNN FRANNNCISCO ♪**

Apologies to singer Tony Bennett for the title.

Our own "Charles the moderator" writes in with this curious picture from Weather Underground showing downtown San Francisco at about 2:15PM September 8th, 2015. The disparity of temperature just a few blocks away is quite stunning. In the two temperatures circled in the downtown area yesterday there is...

<http://wattsupwiththat.com/2015/09/09/%e2%99%ab-i-left-my-uhi-in-sannn-frannncisco-%e2%99%aa/>

## **N. EPA ADMITS NEVER PLANNED FOR 'WORST-CASE SCENARIO' AT SITE OF TOXIC MINE SPILL**

**PUBLISHED SEPTEMBER 09, 2015**

**FOXNEWS.COM**

The Environmental Protection Agency acknowledged Wednesday that it did not plan for the "worst-case scenario" at a Colorado mine clean-up operation -- where that scenario unfolded last month when a toxic mine spill sent millions of gallons of sludge into Western rivers.

Mathy Stanislaus, an EPA assistant administrator, testified at the first congressional hearing on the mine disaster. He defended the agency's transparency but said a team has concluded the agency's response plan did not account for a blowout.

ADVERTISEMENT

"The investigation team also concluded that the emergency response component of the plan did not include the worst-case scenario of a blowout and that's something I committed to, going forward, to make sure that happens," Stanislaus told lawmakers on the House science committee.

Stanislaus' answers did not appear to satisfy lawmakers who accused the EPA of ducking responsibility for the spill that fouled rivers in three Western states.

"The EPA neither took responsibility nor were they forthright with the American people," House science committee Chairman Lamar Smith, R-Texas, said, urging the EPA to "come clean" on its involvement. Smith said the EPA took more than 24 hours to inform the public about the seriousness of the spill. He added he was disappointed that EPA chief Gina McCarthy declined to attend the hearing Wednesday, saying: "Perhaps she doesn't have good answers."

Frustrated lawmakers have been trying to get more answers on the spill to explain how a government cleanup team doing excavation work triggered the release of 3 million gallons of rust-colored sludge from the inactive Gold King Mine near Silverton, Colo.

Stanislaus said his agency has been "as transparent as we possibly could."

But Rep. Bill Johnson, R-Ohio, challenged that claim by airing a pair of videos from the scene of the spill itself. In the first, [released to the public](#), water can be seen gushing out but comments from people in the video are bleeped out at the end.

Johnson then played an uncensored version of the video, released to the committee, where somebody can be heard at the end appearing to say, "What do we do now?"

Johnson asked Stanislaus why the EPA edited out that audio. (On its website, the agency said it only removed profanity in the audio.)

The EPA official said he did not know.

Johnson suggested the EPA was being misleading, and added: "Clearly, 'what do we do now' -- that question, they didn't have an answer to."

At the lead-off hearing held Wednesday, the Navajo Nation's environmental protection director also said they want another agency put in charge of the response and an "independent" body put in charge of the investigation.

"No other environmental bad actor would be given leeway to investigate itself," Donald Benn said, claiming the EPA has a "conflict of interest."

Stanislaus acknowledged that "broader notification should have occurred" after the spill.

And, in response to questions about accountability, he said they are doing internal reviews and "we are only part of the way through."

The hearing Wednesday marked only the start of congressional scrutiny for the EPA's role in the spill.

A private contractor was trying to pipe contaminated water from the Gold King Mine to a nearby water treatment system when the spill happened on Aug. 5.

Crews were using heavy equipment to remove loose dirt above the entrance of the collapsed mine on the morning of the spill.

Benn made several appeals to the EPA during Wednesday's hearing, warning of potential "long-term health effects" and "long-term economic losses" from the disaster.

He asked for help delivering water to locals, and setting up a relief fund for ranchers and farmers. He called for more resources for water, sediment and soil monitoring, and help establishing reserve water supplies to guard against future disasters.

<http://www.foxnews.com/politics/2015/09/09/epa-admits-never-planned-for-worst-case-scenario-at-site-toxic-mine-spill/?intcmp=hplnws>

## **O. ANYONE SEE A TREND TOWARD A 6 TO 12 DEGREE TEMPERATURE RISE BY THE END OF THE CENTURY AS CLAIMED BY THE PRESIDENT?**

<http://media.breitbart.com/media/2015/09/Table-2.jpg>

Don Shaw

## **P. THE EPA'S WATER WOES**

What a toxic mine dump and a legal rebuke have in common.

Sept. 3, 2015 7:17 p.m. ET

It's been a bad few weeks for the Environmental Protection Agency's relationship to water. First came the Colorado mine leak and toxic deluge, and now a federal judge has blasted its new Clean Water Rule as unscientific.

Details continue to trickle out about the EPA miscalculations that led to last month's Colorado mine blowout, which spewed three million gallons of toxic waste into waterways from New Mexico to Utah.

The latest news is that the agency realized as early as June 2014 the potential for a massive spill but misjudged the risk.

The underlying cause is regulatory hubris, which also animates the EPA's new rule extending federal jurisdiction under the Clean Water Act over tens of millions of acres of private land. The EPA has claimed power over any creek, pond or prairie pothole with a "significant nexus" to a "navigable waterway." Toxic wastewater from the Gold King Mine in Silverton, Colorado has contaminated the San Juan River in Northern New Mexico on Aug 12. Significance is as ever in the eye of the regulator. The EPA deems "significant" anything within a 100-year floodplain and 1,500 feet of the high water mark of its claimed waters—or alternatively, within the 100-year floodplain and 4,000 feet of its fiefdom.

Thirty-one states have filed four separate suits against the EPA for usurping their sovereignty over intrastate waterways. North Dakota argues that the rule will require additional studies of every proposed natural gas, oil or water pipeline, which is likely a key EPA objective. Last week federal Judge Ralph Erickson granted a preliminary injunction blocking the rule from taking effect on Friday in 13 western states (North Dakota, Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, South Dakota and Wyoming).

Internal agency memos reflect the "absence of any information about how the EPA obtained its presented results," the judge noted. "Consequently, the subsequent results are completely unverifiable," but "[e]ven so, a review of what has been made available reveals a process that is inexplicable, arbitrary, and devoid of a reasoned process." The judge determined that the 13 plaintiff states had a "substantial likelihood of success." He added: "A far broader segment of the public would benefit from the preliminary injunction" than from the rule's implementation "because it would ensure that federal agencies do not extend their power beyond the express delegation from Congress."

While EPA has begrudgingly agreed not to enforce the rule in the 13 states, it claims that the other 37 are fair game. The agency also argues that the various cases moving through district courts should be consolidated and heard by the Sixth Circuit Court of Appeals to prevent "the potential for inconsistent rulings" and promote "regulatory clarity and certainty." That's a risible argument.

The EPA doesn't want to play whack-a-mole, and the Sixth Circuit has traditionally been a friendly venue. In 2006 the Supreme Court overturned the Sixth Circuit's expansive interpretation of the Clean Water Act in the landmark case *Rapanos v. United States*. But as Judge Erickson notes, federal law gives appellate courts exclusive jurisdiction over only EPA effluent limitations—not regulations that rewrite law.

The Obama Administration wants to insulate its rule-by-fiat from judicial review. But as Judge Erickson laudably shows, the White House can't be left to its own regulatory devices.

<http://www.wsj.com/articles/the-epas-water-woes-1441322262>

## **Q. MT. BAKER GLACIERS DISAPPEARING? A RESPONSE TO THE SEATTLE TIMES**

by Don J. Easterbrook The headline of the September 8, 2015 Seattle Times states: 'Disastrous': Low snow, heat eat away at Northwest glaciers "Glaciers across the North Cascades could lose 5 to 10 percent of their volume this year, accelerating decades of steady decline. One scientist estimates the region's glaciers are smaller than they have...

<http://wattsupwiththat.com/2015/09/13/mt-baker-glaciers-disappearing-a-response-to-the-seattle-times/>

**Editor's Note: The article refers to photographs "LEFT" and "RIGHT." In the copying of the article the orientation is "TOP" and "BOTTOM" photographs. GHH**

Regards,  
George